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RESOURCE MANAGEMENT
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STANFORD CARR DEVELOPMENT, LLC.

Alakea Corporate Tower
1100 Alakea Street, 27th Floor
Honolulu, HI 96813
Phone: (808) 537-5220
Fax: (808) 537-1801

LETTER OF TRANSMITTAL

TO: State of Hawaii
Department of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street, Room 227
Honolulu, HI 96813

DATE: April 30, 2009

RE: Iao/6024

☐ Mail ☒ Hand Deliver ☐ Pick Up

THE FOLLOWING IS (ARE) TRANSMITTED:

COPIES

DESCRIPTION

1 Original	Form SWUPA-E (Na Wai Eha, Maui)
15 Copies	Form SWUPA-E (Na Wai Eha, Maui)
1	Check payable to Department of Land and Natural Resources in the amount of \$25.00

<input type="checkbox"/> For your information	<input type="checkbox"/> For your review/comments
<input type="checkbox"/> For your files	<input type="checkbox"/> For your signature
<input checked="" type="checkbox"/> For further processing	<input checked="" type="checkbox"/> As requested/required

COMMENTS:

Should you have any questions please feel free to contact our office.

Thank you,
Stacie Peralta

FILE ID:	SWUP.2345.6
DOC ID:	3364 ✓

Sandra-Ann Y.H. Wong
Attorney at Law, a Law Corporation

1050 Bishop Street, #504
Honolulu, Hawaii 96813

RECEIVED
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RESOURCE MANAGEMENT
2009 APR 30 PM 2:57

April 30, 2009

The Department of Land and Natural Resources
Commission on Water Resource Management

Via Hand Delivery

Re: Surface Water Use Permit Application
Existing Use (Na Wai Eha, Maui).

Dear Commission on Water Resource Management:

Please find attached the original and 15 copies of the Surface Water Use Permit Application - Existing Use (Na Wai Eha, Maui) for Rodney Akau, John Duarte, Endurance Investors, LLC, and Association of II Wai Hui, LP. I have also attached a Memorandum explaining the relationship of Mr. Akau and Mr. Duarte to Endurance Investors, LLC and Association of II Wai Hui, LP.

Please to do not hesitate to contact me if you have any questions or require additional information on the attached application. Thank you for your attention to this matter.

Very truly yours,

Sandra-Ann Y.H. Wong

Sandra-Ann Y.H. Wong

c: J. Maloney



FILE ID:	SWUP 2349.1
DOC ID:	3368 ✓

ENDURANCE INVESTOR'S LLC

To: Sandie Wong, Esquire
From: John Maloney, Development Manager
Date: April 27, 2009
Subject: Co-Tenants on Puunani Property

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This communication serves as explanation of the relationship between Endurance Investor's LLC, Il Wai Hui & Duarte, Akau.

Duarte and Akau are tenants of Endurance Investor's LLC and Il Wai Hui renting 40 acres of our Puunani property. The tenants graze farm animals on the land and use non-potable water for the animals. I hope this explanation of our relationships is acceptable. Should you have any questions feel free to contact me at (808) 874-5263.



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

APPLICATION FOR SURFACE WATER USE PERMIT
FOR EXISTING USE IN THE NA WAI EHA, MAUI, SURFACE WATER
MANAGEMENT AREAS

FORM SWUPA-E (NA WAI EHA, MAUI)

For detailed instructions on filling out this application, refer to the attached instructions.

For Official Use Only:
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2009 APR 30 PM 2:57
Event ID: 2349.6
WUP 122

APPLICANT INFORMATION:

Note: In accordance with §174C-51(1)(B), HRS, In the event a lessee, licensee, developer, or any other person with a terminable interest or estate in the land, which is the water source of the permitted water, applies for a water permit, the landowner shall also be stated as a joint applicant for the water permit.

1. APPLICANT'S NAME <u>Rodney Akau,</u> John Duarte, Endurance Investors, LLC and Association of II Wai Hui, LP		Applicant's Contact <u>Lloyd Sodemani</u>		2. SOURCE LANDOWNER'S NAME <u>Wailuku Water Company</u>		Source Landowner's Contact <u>Clayton Suzuki</u>					
Applicant's Mailing Address, or Principal Place of Business <u>Lloyd Sodemani, et al.</u> <u>c/o Endurance Investors, LLC and Association of II Wai Hui, LP</u> <u>P.O. Box 220</u> <u>Kihei, HI 96753</u>				Source Landowner's Mailing Address, or Principal Place of Business <u>255 East Waiko Road</u> <u>Wailuku, HI 96793</u>							
Applicant's Phone		Applicant's Fax		Applicant's E-mail		Source Landowner's Phone		Source Landowner's		Source Landowner's E-mail	
						<u>808-244-2208</u>		<u>808-242-7068</u>		<u>csuzuki@wailukuwater.com</u>	

EXISTING SOURCE INFORMATION

The following must be attached before this application is accepted as complete:
• Portion of 7.5-Minute Series USGS topographic map (scale 1:24,000) labeled with stream and diversion locations and quad map name. - Wailuku
• Property Tax Map Key (TMK), showing stream or diversion location, and location of water use referenced to established property boundaries. Water Co.
• Photograph(s) of the surface water diversion works and end use. + Submit.

3. SURFACE WATER HYDROLOGIC UNIT AND CODE:				<input type="checkbox"/> Waihee/6022 <input type="checkbox"/> Waiehu/6023 <input checked="" type="checkbox"/> Iao/6024 <input type="checkbox"/> Waikapu/600t			
4. DIVERSION LOCATION: Choose the appropriate category and enter information in either 4a or 4b.							
4a. TMK OF <u>STREAM</u> DIVERSION LOCATION:							
<u>3</u>		<u>3</u>		<u>3</u>		<u>3</u>	
Zone		Sector		Plat		Parcel	
4b. TMK OF <u>DITCH</u> DIVERSION LOCATION:							
<u>3</u>		<u>5</u>		<u>2</u>		<u>3</u>	
Zone		Sector		Plat		Parcel	

5. STREAM DIVERSION:

How is water diverted from the stream to your property? Check all that apply.

☒ Pipe ☐ Pump ☒ Ditch/auwai ☒ Other Describe: Reservoir

Is the diverted water returned to the stream or ditch? ☐ Yes. ☒ No. If yes, how much water is returned?

6. FLOW MEASUREMENT INFORMATION:

Does the stream diversion have a flowmeter with totalizer or other device to measure diverted amounts?

☒ Yes. Enter the installation date: Iao/6024 Installation unknown

Describe the device and enter measured amounts in Table t. Weir with 24 Hour gauge

☒ No. Explain how you are measuring flow to justify amounts shown in Table t in the space below

Two inch Badger Water Meter Serial# 3405726, Installed 12/2007

EXISTING USER INFORMATION

7. APPURTENANT RIGHT: Do you claim an appurtenant right for your water use? ☐ Yes ☒ No

If yes, has the appurtenant right been established by the courts or the Commission? ☐ Yes ☐ No

8. END USER INFORMATION: Are you an end user on an existing water system? ☒ Yes ☐ No

If yes, who is the operator of the water system? Wailuku Water Company

9. REGISTRATION AND DECLARATION OF WATER USE: Do you have a Registration and Declaration of Water Use with the Commission?

☒ Yes. List the file reference name(s): Wailuku Agrib

☐ No

10. STREAM DIVERSION WORKS PERMIT (SDWP):

Have you ever been issued a SDWP by the Commission?

☐ Yes. List the permit number(s):

☒ No

NOTE: Signing below indicates that the signatories understand and affirm that the information provided on this application is accurate and true to the best of their knowledge. Furthermore, the signatories understand that: 1) if necessary, further information may be required before the application is considered complete; 2) if a water use permit is granted by the Commission, this permit will be subject, but not limited, to any existing legal uses, changes in sustainable yields and instream flow standards, Hawaiian Home Lands uses, and any other conditions imposed by the Commission; and 3) the applicant is responsible for paying the required public notice fees associated with this application.

11. APPLICANT		12. SOURCE LANDOWNER	
<u>[Signature]</u>		<u>[Signature]</u>	
Signature		Signature	
<u>[Print]</u>		<u>[Print]</u>	
Print		Print	
<u>[Date]</u>		<u>[Date]</u>	
Date		Date	

FILE ID: SWUP. 2349.6

DOC ID: 3369

FORM SWUPA-E 2/12/0/09 Page 1 of 8

**SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)**

TABLE 1: 12-MONTH AVERAGE DAILY USE
Measured or Calculated Use of Water at the Source: (Check one) ☐ Stream ☒ Ditch ☐ Auwai
As of the Effective Date of Designation, April 30, 2008

MONTH / YEAR	AVERAGE DAILY USE FOR THE MONTH IN GALLONS PER DAY (GPD)	Check one item per box				OTHER Please describe
		METERED	ESTIMATED	ACTIVE BUT UNKNOWN	INACTIVE	
May 2007	0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
June 2007	0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
July 2007	0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
August 2007	0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
September 2007	0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
October 2007	0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
November 2007	0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
December 2007	1,516	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
January 2008	143	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
February 2008	898	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
March 2008	1,113	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
April 2008	620	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SUM OF AVERAGE DAILY USE FOR THE MONTH	4,290	GPD				
AVERAGE DAILY USE (Average of the above)	357	GPD				

SURFACE WATER USE PERMIT APPLICATION EXISTING USE (NA WAI EHA, MAUI)

TABLE 2: LAND USE CONSISTENCY/EFFICIENCY
(Attach additional copies of Table 2 if necessary)

LAND USE CONSISTENCY						EFFICIENCY OF USE				
1. PURPOSE / WATER USE CATEGORY	2. USE TMK ATTACH THE FOLLOWING: • Property tax map, showing use location in reference to established property boundaries • Photograph of the area of use	3. STATE LAND USE DISTRICT	4. CDUP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	5. COUNTY ZONING CODE	6. SMAP REQ'D Enter either: Yes and Date approved, or Yes and not acquired, or No	7. REQUESTED QUANTITY OF USE Gallons per Day (GPD)	8. SUB-METERED? (Yes or No)	9. UNITS OR NET ACREAGE	10. APPLICANT'S JUSTIFICATION FOR REQUESTED QUANTITY OF USE FOR ITEM 7. If applicable, attach sheets to show how this number was calculated. For irrigation uses, fill in Table 3.	
Uses that require potable (drinking) water										
	____ - ____ - ____ : ____ Zone Sector Plat Parcel									
	____ - ____ - ____ : ____ Zone Sector Plat Parcel									
	____ - ____ - ____ : ____ Zone Sector Plat Parcel									
	____ - ____ - ____ : ____ Zone Sector Plat Parcel									
TOTAL POTABLE USE							GPD			
Uses that do not require potable water										
Agricultural <i>Agrili/Agro</i>	3 - 5 - 02 : 02 Zone Sector Plat Parcel	Agricultural	no	ag	no	357	yes	50 ac	new feed and forage use started in December 2007. Usage low as fencing work was slow and limited area and size of herd	
	____ - ____ - ____ : ____ Zone Sector Plat Parcel									
	____ - ____ - ____ : ____ Zone Sector Plat Parcel									
	____ - ____ - ____ : ____ Zone Sector Plat Parcel									
TOTAL NON-POTABLE USE						357	GPD			
TOTAL USE REQUESTED (Sum of Total Potable Use and Total Non-Potable Use above) =						357	GPD			
If total use requested is not equal to the total monthly average in Table 1, please explain. N/A										
In accordance with §174C-51(5), please explain if there are any limitations (legal, contractual, etc.) on the use(s) of water described above. N/A										

SURFACE WATER USE PERMIT APPLICATION EXISTING USE (NA WAI EHA, MAUI)

TABLE 3: IRRIGATION INFORMATION

List all crops as separate line items and include landscape and golf course irrigation, grown in the 12 months prior to April 30, 2008. Attach additional copies of Table 3 if necessary.

1. USE TAX MAP KEY (TMK) Attach map outlining area and photo.	2. CROP	3. TOTAL ACREAGE	4. NET IRRIGATED ACREAGE	5. BEGIN ROWTH PERIOD (Month)	6. END GROWTH PERIOD (Month)	7. IRRIGATION SYSTEM (Refer to Instructions.)	8. IRRIGATION PRACTICE (Refer to instructions.)
<div> <div>3</div> <div>-</div> <div>5</div> <div>-</div> <div>2</div> <div>:</div> <div>2</div> </div> <div> <div>Zone</div> <div>Sector</div> <div>Plat</div> <div>Parcel</div> </div>	feed & forage	50 ac.	2 ac.	January	December	multiple sprinklers	deficit irrigation
<div> <div></div> <div>-</div> <div></div> <div>-</div> <div></div> <div>:</div> <div></div> </div> <div> <div>Zone</div> <div>Sector</div> <div>Plat</div> <div>Parcel</div> </div>							
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**SURFACE WATER USE PERMIT APPLICATION
EXISTING USE (NA WAI EHA, MAUI)**

TABLE 4: ALTERNATIVES ANALYSIS

	Potable Alternatives Attach additional sheets if necessary.	Non-Potable Alternatives Attach additional sheets if necessary.
Municipal sources	Wailuku Water Company use of municipal water for customers is cost prohibitive	Water for non potable use is not available from the municipal source.
Wastewater reuse	The Kahului Wastewater Treatment plant has no feeder lines in the area, the cost to install a distribution line from the treatment plant to Wailuku's Ditch System is cost prohibitive.	The Kahului Wastewater Treatment plant has no feeder lines in the area, the cost to install a distribution line from the treatment plant to Wailuku's Ditch System is cost prohibitive.
Ditch system	There are no other ditch system available.	There are no other ditch system available.
Desalinization	There are no desalinization plants on Maui.	There are no desalinization plants on Maui.
Ground water	Pumping of ground water is cost prohibitive.	Pumping of ground water is cost prohibitive.
Other (specify)	Storm water reclamation has no facilities as of this date.	Storm water reclamation has no facilities as of this date.

PUBLIC INTEREST

§174C-2(c) states that: *The state water code shall be liberally interpreted to obtain maximum beneficial use of the waters of the State for purposes such as domestic uses, aquaculture uses, irrigation and other agricultural uses, power development, and commercial and industrial uses. However, adequate provision shall be made for the protection of traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and the preservation and enhancement of waters of the State for municipal uses, public recreation, public water supply, agriculture, and navigation. Such objectives are declared to be in the public interest.*

Explain below how the uses in your application are consistent with the public interest as described above. Attach additional sheets if necessary.

GPAC requested that this parcel remain in ag. The community has lobbied to keep in ag use. This is prime ag land.



Reservoir 10
Iao-Waikapu Ditch





3/27/2009 7:09

